

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL WALKER, :  
Petitioner, :  
v. : Civil Action No. 06-75J  
GERALD ROZUM, SUPERINTENDENT, :  
S.C.I. SOMERSET, and the :  
PENNSYLVANIA BOARD OF PROBATION :  
AND PAROLE, :  
Respondents :  
:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on May 8, 2006, docket no. 3, recommending that the petition for a writ of habeas corpus be summarily denied, and a certificate of appealability denied.

The petitioner was notified, pursuant to 28 U.S.C. § 636(b)(1), that he had ten days to serve and file written objections to the Report and Recommendation. Petitioner filed objections, docket no. 4, asserting that he should not have to exhaust his claims in state court and seeking in the alternative to stay this matter. The objections are meritless; the motion to stay is denied.

After de novo review of the record of this matter, the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 22<sup>nd</sup> day of May, 2006, it is  
ORDERED that the petitioner's petition for a writ of  
habeas corpus is denied. A certificate of appealability is denied.  
The Report and Recommendation is adopted as the opinion of the  
Court. The Clerk shall mark this matter closed.

BY THE COURT:



KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to:

Michael Walker CB-2016  
S.C.I. Somerset  
1600 Walters Mill Road  
Somerset, PA 15510